



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

DEAN LUCAS, §  
Plaintiff, §  
§  
vs. § CIVIL ACTION NO. 1:08-04051-HFF-SVH  
§  
M L RIVERA, U.S. ATTORNEY FOR §  
THE DISTRICT OF SOUTH CAROLINA, §  
ATTORNEY GENERAL OF THE §  
UNITED STATES, DR. ROBERT §  
VENDEL, MRS. BRADLEY, MR. R E §  
HOLT, and MR. HARLEY LAPPIN, §  
Defendants. §

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AMENDED ORDER

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This case was filed as a *Bivens* action. Plaintiff is proceeding pro se. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that Defendants' motion for summary judgment be granted and the case dismissed in its entirety. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on July 28, 2010, and the Clerk of Court entered Plaintiff's objections to the Report on October 25, 2010.\* After reviewing Plaintiff's objections, the Court finds them to lack merit and remains in agreement with the Magistrate Judge's Report.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court overrules Plaintiff's objections, adopts the Report, and incorporates it herein. Therefore, it is the judgment of this Court that Defendants' motion for summary judgment is **GRANTED** and the case is **DISMISSED**. In light of this Amended Order, Plaintiff's motion to vacate is hereby deemed **MOOT**.

**IT IS SO ORDERED.**

Signed this 27th day of September, 2011, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within 60 days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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\* On August 20, 2010, in the absence of any objections, this Court filed an Order adopting the Magistrate Judge's Report. Plaintiff subsequently submitted objections, which the Clerk filed on October 25, 2010. This Amended Order takes into consideration those objections and amends the August 2010 Order.